



United States
Department of
Agriculture

Forest
Service

Malheur
National
Forest

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File Code: 2200/2670

Date: October 13, 2011

Spencer Hovekamp
Branch Chief
National Marine Fisheries Service
3502 Highway 30
La Grande, OR 97850

Dear Spencer,

Pursuant to Section 7 of the Endangered Species Act of 1973 (as amended) and its implementing regulations on interagency cooperation (50 CFR 402), this letter and the enclosed three biological assessments (BAs) initiate a request by the Malheur National Forest for formal consultation with the USDC NOAA National Marine Fisheries Service (NMFS) on the authorization of livestock grazing activities that "may affect, likely to adversely affect" Middle Columbia River steelhead (*Oncorhynchus mykiss*) (MCR steelhead) and its designated critical habitat.

We respectfully request a Biological Opinion (BiOp) or Letter of Concurrence (LOC) on the effects of the Malheur National Forest's authorization of livestock grazing activities on MCR steelhead and its designated critical habitat. I am currently sending you three final BAs for six grazing allotments on the Blue Mountain Ranger District: Murderers Creek, Fox/Hamilton, and Mount Vernon/John Day/Beech Creek.

We will be sending you final BAs for 21 additional grazing allotments on the Blue Mountain Ranger District by 10/18/2011. These 21 allotments will be grouped into eight BAs as follows: Blue Mountain/Camp Creek/Long Creek; Dixie/Roundtop; Dark Canyon/Fawn Springs; Seneca/Deadhorse/Handscorn/Fields Peak; Indian Ridge/Deer/Donaldson; McClellan/Williams; Upper Middle Fork John Day/ Lower Middle Fork John Day/Slide; and York/Bear.

Drafts of the Murderers Creek, Fox, Hamilton, Mount Vernon, John Day, Beech Creek, and Upper Middle Fork John Day/Lower Middle Fork John Day/Slide BAs have been reviewed by the Term Grazing Permit holders (permittees) of the allotments. The permittees have also reviewed the Blue Mountain/Camp Creek/Long Creek; Dark Canyon/Fawn Springs; Seneca/Deadhorse/Handscorn/Fields Peak; and Dixie/Roundtop allotment draft BAs. All of the permittees for the enclosed BAs except the Hamilton allotment are applicants as defined in 50 CFR 402.02, and will have up to 30 days to review the draft BiOp upon completion, inclusive of the 135-day consultation period.

We have submitted these 3 BAs with enough lead time to meet the required 135-day consultation period. As you are aware, the district court in ONDA v. Tidwell (D. Or. 07-1871) has ordered



that this BiOp be completed by 3/1/2012. You and your staff have already reviewed the draft BA for the Murderers Creek allotment (sent and received electronically on 9/1/2011) and submitted comments to us on 9/19/2011. You also sent us comments on an earlier version of the Murderers Creek draft BA as well as draft BAs for the Fox, Hamilton, King, Upper Middle Fork John Day, Lower Middle Fork John Day, Beech, and Slide Creek allotments on 5/3/2011. We have addressed both sets of these comments in our enclosed final BAs.

We will also be submitting a draft BA for 4 allotments on the Prairie City Ranger District: Deardorff/Hot Springs/Rail/Indian Creek for informal consultation shortly. We determined these allotments were "may affect, not likely to adversely affect" Middle Columbia River steelhead (*Oncorhynchus mykiss*) (MCR steelhead) and its designated critical habitat.

If you have any questions, please contact Ian Reid, acting Malheur National Forest Threatened and Endangered Species Coordinator by telephone at 541-575-3363 or by email at ireid@fs.fed.us. We look forward to working with you and your staff in the future to conserve threatened fish species and their habitat in the John Day Basin.

Sincerely,

A handwritten signature in cursive script, reading "Teresa RAAF".

TERESA RAAF
Forest Supervisor

cc: John Gubel, Janet L Plocharsky, Ian Reid, Rene Mabe, Kim Kratz, Tom Hausmann